Serial No.: 10/713,099
Amdt. Dated: February 3, 2006

Attorney Docket No.: 66629-019

REMARKS

Claims 1-7 and 18-22 remain pending in this application. In order to expedite prosecution and to better clarify the invention, Claims 1, 5 and 7 have been amended. For the reasons set forth below, Applicants respectfully submit that the claims are in condition for allowance and all rejections have been overcome.

Election/Restriction

Applicants hereby confirm election of Group I without traverse. After this election, Claims 1-7 and 18-22 remain pending in this application.

Rejections Under 35 USC 112, Second Paragraph

Claims 1-7 and 18-22 were rejected under 35 USC 112, 2d para. as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More particularly, Claims 1-7 and 18-22 were rejected as indefinite because allegedly no limitation is recited that is directed to a "a system for managing accounting and billing of transactions." While all the elements of Claim 1 and 7 are, indeed, used in a system for managing accounting and billing of transactions, Applicants have amended the preambles in order to expedite prosecution. More particularly, the preamble of Claim 1 has been amended to recite "A system for restricting access to an e-commerce network." The gateway device and qualification verification device, which are recited as limitations of Claim 1, are intended to restrict access to an ecommerce network.

Likewise, the remote terminal and qualification verification device of Claim 7 are intended to restrict access to an e-commerce network. Accordingly, Claim 7 has been amended to recite "A system for qualifying a user to access an e-commerce network".

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Claims 2-6 depend from amended Claim 1, and Claims 18-22 depend from Claim 7. Elements recited in these dependent claims also include limitations directed to a system for restricting access to an e-commerce network. Accordingly, Applicants submit that this rejection has been overcome.

Claim 5 was rejected as allegedly lacking sufficient antecedent basis for the limitation "the established connection". Accordingly, the claim has been amended to recite --an established connection between a user and the gateway device--. Accordingly, the rejection based on antecedent basis has been overcome.

Claims 7 and 18-22 were rejected as allegedly being incomplete for omitting essential structural cooperative relationships between the remote terminal and "qualification request," as well as the relationship between these elements and the e-commerce network. It should be noted that because the claim does not recite a "qualification request," Applicants assume that it is intended that the office action recite "qualification verification device." Claim 7 has been amended to recite that the qualification verification device is operably coupled to the remote terminal. Moreover, Claim 7 has been amended to recite that the system for qualifying a user to access an e-commerce network is operably coupled to the e-commerce network.

. Claim 7 stood rejected because "a unique identifier" was used in connection with both the remote terminal and the qualification verification device. The claim has been amended to recite a first unique user identifier in connection with the qualification verification device, and a second unique user identifier in connection with the remote terminal. The first unique identifier could be, for example, the user's age as retrieved from a database memory, e.g., a cached database memory. [See, e.g., para. 0066] This

first unique identifier may be retrieved based on user input of a second unique identifier. The second unique user identifier could be, for example, the last four digits of a user's social security number. [See, *e.g.*, para. 0065]

Accordingly, Applicants respectfully submit that these rejections under 35 USC 112, 2d para. have been overcome.

Rejections Under 35 USC 112, 1st Para.

Claims 1-6 were rejected under 35 USC 112, 1st para. as having undue breadth allegedly because the claims contained means recitation that does not appear in combination with another recited element of means. In support thereof, the office action directs our attention to MPEP 2164.08(a) which further recites the case *In re Hyatt*, 708 F. 2d 712, 714-15 (Fed. Cir. 1983). The case *In re Hyatt* refers to a means-plus-function limitation. Applicants respectfully submit that this rejection is improper since the recited rule applies only to "means-plus-function" limitations.

However, in order to expedite prosecution, Applicants have amended Claim 1 to recite that the qualification verification is a second element of the system for restricting access to an e-commerce network. Claims 2-6 depend from Claim 1. Accordingly, Applicants respectfully submit that this rejection has been overcome.

Rejections Under 35 USC 103

Claims 1-6 were rejected under 35 USC 103(a) as being unpatentable over a single reference, i.e., Feather's US Patent Publication No. 2004/0081173A1. Applicants respectfully submit that a *prima facie* case of obviousness has not been made. More particularly, the references do not teach or suggest all claim limitations.

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Feather discloses a method of configuring gateways. In connection therewith, Feather discloses a gateway device that is part of an operator network that includes a serving node and a border gateway. The serving node generates a network access request by providing a user qualification. The user qualifications are basically a user ID, password and other data from mobile devices trying to access the network. The serving node then forwards the network access request to the appropriate gateway.

In the office action, it is admitted that Feather does not show a qualification verification device or that a user credit rating has to be verified. However, verification of the user credit rating is ignored as allegedly being nonfunctional descriptive material and as not functionally involved in operation of the gateway device.

Applicants respectfully submit that a *prima facie* case of obviousness has not been made for at least the reason that the references do not teach or suggest that a required user qualification is a minimum credit rating. Applicants further submit that this limitation is not nonfunctional descriptive material but is functionally involved in operation of the gateway device. In support of the assertion that verification of the user credit rating was nonfunctional descriptive material, *In re Gulack* is cited. In this case, the court considered a patent, the claims of which recited three elements: (1) a band, ring or set of concentric rings; (2) individual digits imprinted on the ring or band at spaced intervals; and (3) an algorithm used to develop the appropriate digits. In connection with these claims, the court considered the issue of whether a functional relationship existed between the digits and band on which the digits were printed. The court held that a functional relationship existed between the band and digits because the claims required that a specific sequence of digits be displayed on the surface of the band.

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Likewise, in the instant claim, the gateway device reacts in a set manner to a specific form of input, including user qualifications based on a credit rating. Claim 1 requires that the gateway provide access to the e-commerce network subsequent to verification of a required user qualification based on a user credit rating. As such, the user credit rating is functionally involved in operation of the gateway device in that the gateway device will provide access to the e-commerce network only after a required user qualification is met based on a user credit rating. This reaction is analogous to the band or ring of *In re Gulack*, where a specific sequence of digits were required to be displayed on the surface of the band, thus resulting in a functional relationship between the digits and the band.

However, in order to expedite prosecution, Applicants have amended the claims to recite as follows: "a gateway device configured to provide access to the e-commerce network subsequent to verification of each required user qualification, at least one of the required user qualifications being a minimum user credit rating..." This amendment clarifies that the gateway device provides access only after verification of at least a minimum user credit rating. Other required user qualifications may be imposed, dependent upon implementation of the system. Feather does not even mention a user's creditworthiness and delayed payment. Accordingly, Applicants submit that this rejection has been overcome. Because Claims 2-6 depend from Claim 1, Applicants respectfully submit that these claims are unobvious as well.

Claim 7 was rejected as obvious over Skantze's US Patent Publication No. 2003/0014327 A1. As with Claim 1, Claim 7 was rejected over a single prior art reference. In the office action, it is admitted that Skantze does not show verification of at

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least one required qualification based on a user credit rating. However, this language is

ignored in the office action as nonfunctional descriptive material. For the same reasons

cited above in connection with Claim 1, a functional relationship exists between the user

qualification input and the remote terminal. The remote terminal reacts in a set manner to

a specific form of input, including user qualifications based on a credit rating.

In order to expedite prosecution, Claim 7 has been amended to recite that the

qualification verification device is configured to verify at least one required user

qualification in response to user qualification input, wherein *at least one required user*

qualification is a minimum credit rating for a user.

Skantze discloses a system for enabling financial transactions where users are

able to order services using hand-held computer units. Other computers handle accounts

belonging to the user. A server unit has access to a database that for each user stores a

user identifier, which indicates the identity of the user, and a computer network address

associated with the user identity. The computer network address is said to relate to one

of the computers that handle accounts belonging to users. Using this arrangement, a

service provider is able to accept payment from any payment provider that has access to

the computers that handle accounts. Accordingly, Skantze appears to be configured for--

and directed to--providing immediate payment from a payment provider.

Skantze differs distinctly from the present claims in that it does not permit

delayed payment based on an extension of credit due to a user's credit rating. Such

delayed payment is permitted by the system of the present disclosure. In fact, Skantze

teaches away from delayed payment. More particularly, Skantze provides as follows: "A

problem ... is, however, how the service provider is to receive payment from the

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customer. One possibility is, of course, for the service provider to send an invoice to the

person placing the order on the basis of information that the person placing the order has

filled in the advertisement. This is, however, in many cases an expensive method in

relation to the cost of the service. In addition, there is the risk that the service provider

will not be paid by the person placing the order." [See para. 005 of Skantze]

Accordingly, because Skantze teaches away from delayed payment based on a user credit

rating, this limitation is not even suggested by Skantze. Because Claims 18-22 depend

from Claim 7, Applicants respectfully submit that this limitation is overcome as well.

Applicants have also entered clarifying amendments. First, Applicants have

amended "database" to read--database memory--. Moreover, to further clarify the scope

of the claims, Applicants have amended the claims to show that input is an --input signal-

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For the reasons set forth hereinabove, a notice of allowance is respectfully

requested.

Please charge any additional fees which may be required, or credit overpayment

to Deposit Account No. 50-1946.

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Respectfully submitted,

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